

## COMPLAINT INVESTIGATION SUMMARY

**COMPLAINT NUMBER:** 1548.00  
**COMPLAINT INVESTIGATOR:** Karyn Romer  
**DATE OF COMPLAINT:** March 22, 2000  
**DATE OF REPORT:** April 18, 2000  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** May 24, 2000

## COMPLAINT ISSUES:

Whether the Lafayette School Corporation and the Greater Lafayette Area Special Services violated:

- 511 IAC 7-10-3 with regard to the school's alleged failure to conduct an educational evaluation and convene a case conference committee within forty instructional days of the date of written parental consent; and
- 511 IAC 7-10-2 with regard to the school's alleged failure to implement the general education intervention plan as it is currently written.

## FINDINGS OF FACT:

3. The student (the "Student") is twelve years old, is currently enrolled in a fifth grade general education class at the school (the "School"), and has been determined ineligible for special education.
4. The complainant (the "Complainant") wrote a letter dated January 26, 2000 to the principal (the "Principal") of the School requesting an evaluation for the Student to determine eligibility for other health impaired ("OHI"). The Principal received the letter on January 27, 2000 and wrote the date received at the top of the letter. The 40-day timeline would end on March 23, 2000.
5. The Complainant's letter of January 26<sup>th</sup> requesting an evaluation was sent to the special services office ("Special Services") on either January 27<sup>th</sup> or January 28<sup>th</sup> without the accompanying referral forms. The principal (the "Principal") gathered the additional information; however, there was a two-week delay in forwarding the information to Special Services. One of the Student's teachers completed and signed the *Elementary Teacher Report and Referral for Psychoeducational Evaluation* on January 30, 2000; however the Principal did not sign the same form until February 16, 2000. The form is date stamped as received by Special Services on February 21, 2000. The Complainant's letter of January 26<sup>th</sup> is also date stamped as received by Special Services on February 21, 2000. The school psychologist utilized the February 21<sup>st</sup> date to calculate the 40-day timeline. The evaluation was completed, and a case conference committee meeting convened on April 7, 2000.
6. The Student's *general education intervention plan (GEI Plan)* was developed on April 7, 1999. At the time the *GEI Plan* was developed, the Student was enrolled in a different elementary school. The *GEI Plan* states that the Student must sit in the front of the classroom due to a visual

impairment. The Complainant received a *Parent Notification of General Education Intervention Plan* dated April 19, 1999 which lists the following extra support to be provided to the Student:

- a. Consultation services from the Special Services Consultant for the Visually Impaired (the "VI Consultant"), including an observation in the classroom. The VI Consultant relayed the recommendation made by [the Student's doctor] that the Student sit at the front of the classroom and be allowed to take short breaks during long homework assignments. The consultation report is a part of the Student's school file.
  - b. The Student is encouraged to be her own advocate and informed to speak up if having visual difficulties.
  - c. The school staff were informed of the Student's need for preferential seating in instructional settings away from the regular classroom.
  - d. The Student's visual needs will be monitored by the School's student services committee.
  - e. The *GEI Plan* will be reviewed in August 1999.
5. The *GEI Plan* did not include specific timelines for implementation in the classroom. When the Student enrolled in the current elementary school for the 1999-2000 school year, the *GEI Plan* was not formally reviewed by the School staff in August 1999; however, all of the Student's teachers received a copy of the *GEI Plan*.
  6. The Complainant contacted the Principal on January 27, 2000 after the Student informed the Complainant that the Student was not sitting in the front of the classroom for every class. The Principal sent an electronic mail message to all fifth grade teachers on January 27<sup>th</sup>, stating that "[the Student] must always sit in the front row (center)" and that "this is an adaptation that must occur everyday". The Principal also met with the fifth grade teachers on January 27<sup>th</sup> after a staff meeting and reiterated the need for the Student to sit in the front row.
  7. On February 1, 2000, one of the Student's teachers moved all of the students' desks around in the classroom, and the Student was moved to the back of the classroom. The Student requested that the teacher move the Student back to the front; however, the teacher refused. When the Student informed the Complainant of the teacher's refusal to move the Student back to the front of the classroom, the Complainant contacted the Principal on February 12, 2000. The Student was moved back to the front of the classroom.

#### **CONCLUSIONS:**

1. Finding of Fact #2 indicates that the Complainant wrote a letter requesting an educational evaluation that was received by the Principal on January 27, 2000. The 40-day timeline would expire on March 23, 2000. Finding of Fact #3 indicates that the educational evaluation was not completed and a case conference committee convened until April 7, 2000. Therefore, a violation of 511 IAC 7-10-3 occurred.
2. Finding of Fact #4 indicates that a *GEI Plan* was developed on April 7, 1999 for the Student. The *GEI Plan* included specific interventions to assist the Student to benefit from the educational program and a timeline to review the interventions. Finding of Fact # 5 indicates that there was no specific timeline established for implementation of the interventions and that the timeline

established to review the *GEI Plan* was not followed. However, all of the Student's teachers were provided with a copy of the *GEI Plan*. Findings of Fact #6 and #7 indicate that the interventions listed in the *GEI Plan* were not consistently implemented. Therefore, a violation of 511 IAC 7-10-2 occurred.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The Lafayette School Corporation and the Greater Lafayette Area Special Services shall:

1. In-service all appropriate general education and special education staff regarding the procedures for initiating an educational evaluation for special education services in accordance with 511 IAC 7-10-3. The in-service must include procedures for initiation of an educational evaluation by parent request and prevention of significant delays at the building level. Documentation that the in-service training has been completed must be submitted to the Division by May 12, 2000 and should include the following: a list or agenda of all issues discussed, copies of any handouts that were distributed, and a list of attendees by name and title.
2. Develop a "tracking system" between the local school buildings and the Special Services office for the initiation of referrals for evaluation to ensure that a time delay does not occur at the building level or after a referral has been sent from the local school to the Special Services office. Documentation of compliance must be submitted to the Division by May 12, 2000.
3. In-service all appropriate general education staff, specialists and building administrators regarding the procedures for implementing general education intervention procedures in accordance with 511 IAC 7-10-2. The in-service must include timelines for implementation of GEI plans, and the review of the results of the GEI strategies. Documentation that the in-service training has been completed must be submitted to the Division by May 12, 2000 and should include the following: a list or agenda of all issues discussed, copies of any handouts that were distributed, and a list of attendees by name and title.